S.B. CIVIL WRIT PETITION NO.2290/1995
LRs of Nandlal Vs. Additional Commissioner & Ors.

Date : 07.05.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA

Mr. J.L. Purohit for the petitioner.
Mr. P.S. Chundawat)
Mr. J.M. Bhandari) for the respondents.
Mr. M. Mridul, Senior Advocate assisted by
Mr. Ashok Choudhary for the respondents.

Heard learned counsel for the parties.

Having argued for some time, the learned counsel for the respondent No.3, Objector withdraws his objection to the allotment of strip of land made in favour of the petitioner on 3.9.1976 by the Municipal Council, Bikaner ad meauring 19'x7 ½' which is in front of the petitioner's house towards East and Southern side of the objector's house to the extent it portudes the existing building line on both sides of his house.

In that view of the matter, the writ petition which arises out of proceedings raised by the objector against the allotment of land made to Nand Lal

predecessor in the interest of petitioners, who had since died during the pendency of these proceedings, the foundation of the order under challenge ceases to exist.

Accordingly, the writ petition is allowed. The impugned order of the Additional Divisional Commissioner dated 30.6.1995 is quashed and the allotment made by the Municipal Council, Bikaner of the strip of land measuring 19' x 7 ½' on 3.9.1976 (Annex.5) vide order of allotment dated 3.9.1976 as affirmed by the Collector vide his order dated 4.4.1977 is maintained. There shall be no order as to costs.

[RAJESH BALIA], J.

babulal/